

IN THE DRAWINGS

The attached drawing replacement sheets include changes to Figures 17 and 18. The 2 sheets replace the original sheets including Figures 17 and 18.

Attachment: Replacement Sheets (2).

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-48 are pending in the present application. Claims 1, 3, 9, 11, 17, 25, 33, 35 and 41 have been amended without the introduction of any new matter. Paragraphs 20 and 41 of the Specification have also been amended to correct typographical errors without the introduction of any new matter.

In the outstanding Office Action, Figures 6, 9 and 20 were objected to; Claims 1, 4-9, 12-17, 20-24, 26, 28-33, 36-41 and 44-48 were rejected under 35 U.S.C. § 102(e) as anticipated by BeBry (U.S. Patent No. 6,385,728); and Claims 3, 11, 19, 27, 35 and 43 were rejected under 35 U.S.C. § 103(a) as unpatentable over DeBry.

Regarding the objection to the drawings, Figures 17 and 18 were modified in light of the comments noted in the outstanding Office Action. Specifically, reference character "1702" in the top left corner of Figure 17 was replaced with --1704--, and reference character "1802" in the top left corner of Figure 18 was replaced with --1804--. Replacement drawings have been included. Further, paragraphs 52, 53, 57, 72 and 73 of the Specification have also been modified in light of the comments noted in the outstanding Office Action. Accordingly, it is respectfully requested this objection also be withdrawn.

Claims 1, 4-9, 12-17, 20-24, 26, 28-33, 36-41, and 44-48 were rejected under 35 U.S.C. § 102(e) as anticipated by DeBry. That rejection is respectfully traversed.

Amended independent Claim 1 is directed to a method for authorizing an electronic data transfer for healthcare transactions that includes receiving an authentication request containing a digital certificate from a requesting device via a communication link, determining whether the digital certificate is valid, creating an authentication response, sending the authentication response to the requesting device via the communication link, and securely storing information about the electronic data transfer, the digital certificate and at least a portion of the authentication response. Creating the authentication response includes denying the authentication request when

the digital certificate is not valid, or approving the authentication request when the digital certificate is valid. The information about the electronic data transfer, the digital certificate and at least a portion of the authentication response is securely stored such that non-repudiation of the electronic data transfer may be established.

Amended independent claims 9, 17, 25, 33 and 41 also include authorizing an electronic data transfer for healthcare transactions that includes securely storing information about the electronic data transfer, the digital certificate and at least a portion of the authentication response such that non-repudiation of the electronic data transfer may be established.

In a non-limiting example, Figures 1, 2 and 5 illustrate a system and method for authorizing (220 and 240) an electronic data transfer for healthcare transactions, such as a transaction relating to a doctor completed screen form 510. The system 100 includes one or more data repositories or vaults (150, 160 or 170) that store the information necessary to establish non-repudiation for data transfers (see also page 16, lines 17-19). Specifically, information is securely stored 250 such that non-repudiation of the electronic data transfer may be established. Applicant submits that the present invention addresses the verification, validation and non-repudiation requirement of HIPAA (see also page 15, lines 16 and 17). Non-repudiation means that there is a “legal grade” receipt that provides strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid (see also page 15, lines 17-20).

DeBry does not relate to healthcare transactions. Instead, DeBry relates to securely printing a file retrieved from a separate file source in a network environment (see column 1, lines 29-33). Applicant submits that healthcare transactions are substantially different than securely printing files to a network printer. Further, DeBry does not teach or suggest authorizing an electronic data transfer for healthcare transactions that includes securely storing information about the electronic data transfer, the digital certificate and at least a portion of the authentication response such that non-repudiation of the electronic data transfer may be established. Instead, DeBry merely discloses a log file or database possibly used to determine whether an issued will-call certificate matches information in the received will-call certificate (see column 8, lines 27-31). In fact, DeBry does not even mention non-repudiation. Applicant submits that maintaining

an unsecured log file for comparison purposes is fundamentally different than securely storing information as a legal grade receipt to be used for non-repudiation purposes.

Accordingly, it is respectfully requested this rejection be withdrawn.

Claims 3, 11, 19, 27, 35 and 43 were rejected under 35 U.S.C. § 103(a) as unpatentable over DeBry. That rejection is respectfully traversed.

As stated in M.P.E.P. §2143, a basic requirement for a prima facie case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. As the cited references do not teach or suggest the feature of authorizing an electronic data transfer for healthcare transactions that includes securely storing information about the electronic data transfer, the digital certificate and at least a portion of the authentication response such that non-repudiation of the electronic data transfer may be established, it is respectfully submitted the outstanding Office Action has not created a prima facie case of obviousness with regard to the claims dependent from amended independent Claims 1, 9, 17, 25, 33 and 41.

Accordingly, it is respectfully requested this rejection also be withdrawn for similar reasoning as noted above.

CONCLUSION

In light of the arguments set forth above, Applicant respectfully submits that the Application is now in allowable form. Accordingly, Applicant respectfully requests consideration and allowance of the currently pending claims.

It is believed that no additional fees are due at this time. If this is incorrect, Applicant hereby authorizes the Commissioner to charge any fees, other than issue fees, that may be required by this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call Applicant's Attorney for any reason that would advance the current application to issue. Please reference Attorney Docket No. 124521-1000.

Dated: March 21, 2005

Respectfully submitted,
GARDERE WYNNE SEWELL LLP



Karl L. Larson
Registration No. 41,141
ATTORNEY FOR APPLICANT

3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
(214) 999-4582 - Telephone
(214) 999-3623- Facsimile

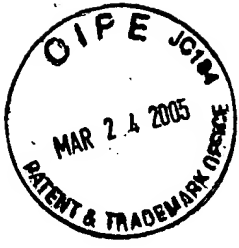
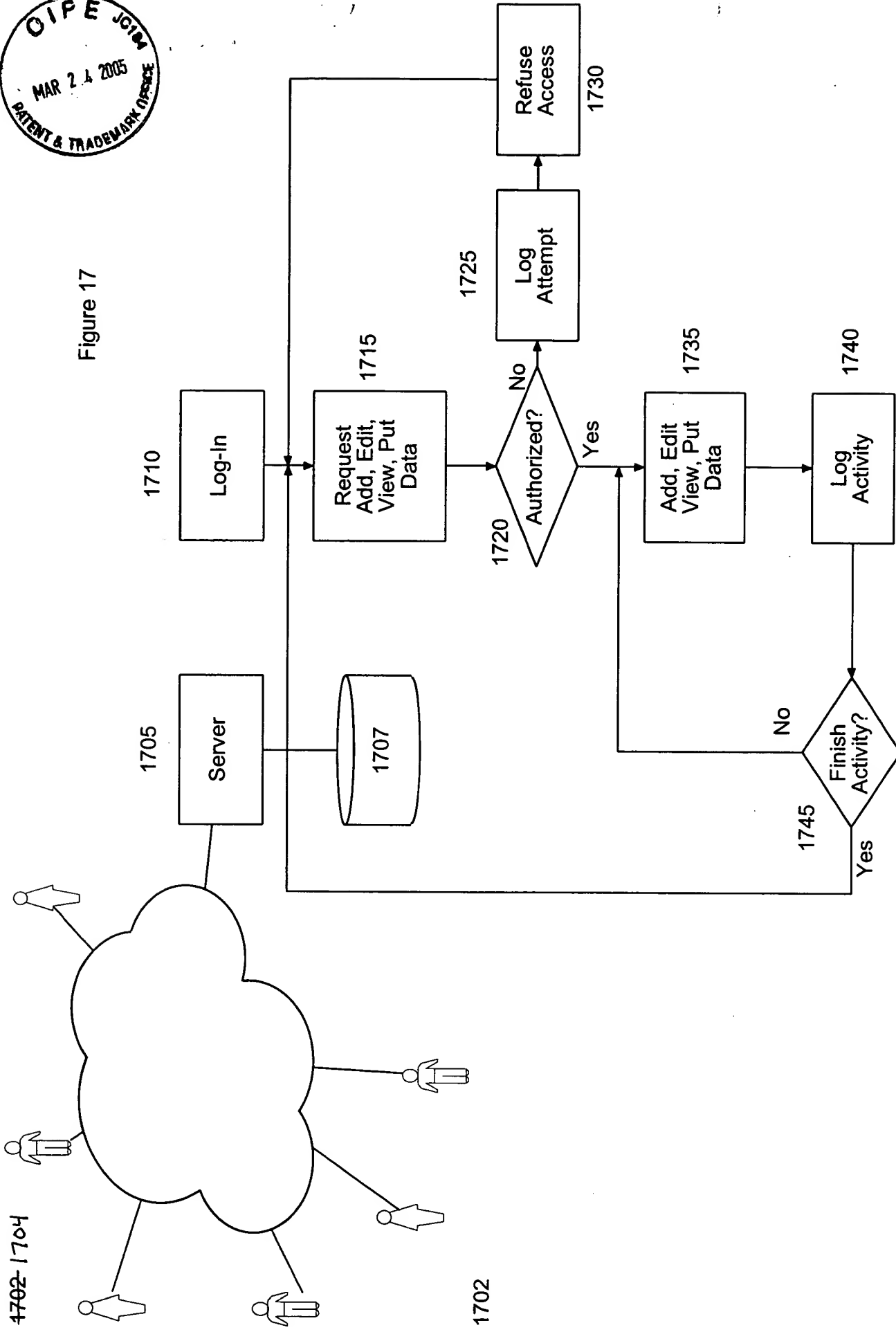


Figure 17



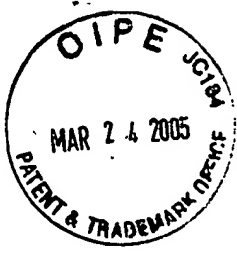


Figure 18

